

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA, :
: 15-CR-565 (VEC)
-against- :
: ORDER
KEVIN JOHNSON, :
Defendant. :
----- X

VALERIE CAPRONI, United States District Judge:

It is hereby ORDERED that, per the parties' letter briefing and subsequent discussion with the Court during the May 9, 2016 conference, the Court takes under advisement Defendant's request for a Rule 17 subpoena ordering the New York City Office of the Chief Medical Examiner ("OCME") to produce the source code underlying the Forensic Statistical Tool ("FST"). The parties may file any further submissions for the Court's consideration on or before May 20, 2016.

The time between May 9, 2016 and June 9, 2016 is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), because the ends of justice served outweigh the interest of the public and the defendant in a speedy trial. Specifically, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), given the anticipated subject matter of defendant's motion to exclude, failing to grant the continuance would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

SO ORDERED.



Date: **May 10, 2016**
New York, New York

VALERIE CAPRONI
United States District Judge